

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

ELECTRONIC CASE FILING (ECF)

ADMINISTRATIVE PROCEDURES MANUAL



***Administrative Procedures for Filing, Signing, Maintaining, Verifying, and
Serving Pleadings and Papers in the ECF System***

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ECF ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

1. **Cases.** The Electronic Case Filing System (hereafter “ECF”) is operational for all types of cases and filings, including all chapters of the Bankruptcy Code, Adversary Proceedings, Proofs of Claim, and Reaffirmation Agreements.
2. **Mandatory ECF.** Unless otherwise ordered by the Court, ECF is mandatory for all attorneys, trustees, registered creditors, and registered professional persons, and for all creditors not represented by an attorney who file more than 25 proofs of claim in any 12-month period. Exceptions to this requirement are set forth in [section III](#) of this Manual.

B. Eligibility

1. **Requirements.** In order to be eligible for an ECF login, the following requirements must be satisfied:
 - a. **Attorney:** The attorney must:
 - (i) be a member in good standing of the Bar of the United States District Court for the Northern District of Ohio, or a member in good standing of the Bar of any court of the United States or of the highest court of any state. Receiving an ECF login is not a substitute for this admission requirement.
 - and
 - (ii) either (1) be registered as an ECF practitioner in the United States District Court for the Northern District of Ohio or another federal court, or (2) have read this Manual, or (3) receive ECF training provided by this Court.

Pursuant to [Local Rule 2090-1](#), an attorney who is not a member in good standing of the Bar of the United States District Court for the Northern District of Ohio, but is a member in good standing of the Bar of any court of the United States or of the highest court of any state may, upon written or oral motion, be permitted to appear and participate in a case or proceeding.

- b. **Trustee:** A Chapter 7 or Chapter 13 Trustee who is also an attorney is subject to the same requirements applicable to an attorney. Non-

attorney trustees, as well as non-attorney staff of a Chapter 7 trustee or Chapter 13 trustee who are authorized to process documents electronically, are eligible for a login after receiving ECF training provided by this Court.

- c. **Claims Agent:** A claims agent (i.e., creditor) wishing to receive a login for the limited purpose of filing, transferring, assigning, and withdrawing proofs of claim and reaffirmation agreements must either be registered as an ECF participant in another United States Bankruptcy Court, with either full ECF privileges or limited use privileges to file proofs of claim or reaffirmation agreements, or must have read this Manual.
- d. **Professional Person:** A professional person (e.g., accountant, appraiser, auctioneer, auditor, or ombudsman) wishing to receive a login and password for the limited purpose of filing documents associated with the person's professional services must either be registered as an ECF participant in another United States Bankruptcy Court or must have read this Manual.

- 2. **Training Prerequisites.** Prior to participating in ECF training, external users are required to possess basic personal computer skills, including a working knowledge of the Internet, browser usage, email usage, and scanning.
- 3. **Non-Attorney Law Office Staff.** Except as provided in section [IB 1 \(b\)](#) of this Manual, law office staff who are not attorneys are not eligible for a separate login or password, although such staff may attend ECF training.

C. Registration

- 1. **Completion of Forms.** Any eligible person wishing to receive a login shall complete the [applicable registration form](#).
 - a. **Attorney:** Complete the [Attorney Registration Form and User Agreement](#). An attorney whose practice volume may justify issuance of a second login may request one by submitting the [Attorney Registration Form and User Agreement – Second Login](#).
 - b. **Chapter 7 Trustee (including office staff):** Complete the [Attorney Registration Form and User Agreement](#) or the [Non-Attorney Trustee Registration Form and User Agreement](#), whichever is applicable. A Chapter 7 trustee who also serves as private counsel should complete only one registration form, but will receive two separate logins, one

for his/her role as trustee, and one for his/her role as private counsel. Chapter 7 trustee office staff should complete a separate registration form.

- c. **Chapter 13 Trustee (including office staff):** Complete the [Attorney Registration Form and User Agreement](#) or the [Non-Attorney Trustee Registration Form and User Agreement](#), whichever is applicable. A Chapter 13 trustee who also serves as private counsel should complete two separate registration forms and will receive two separate logins and passwords, one for his/her role as trustee, and one for his/her role as private counsel. Chapter 13 trustee office staff should complete a separate registration form.
 - d. **Claims Agent:** Complete the [Claims Agent Registration Form and User Agreement](#).
 - e. **Professional Person (e.g., accountant, appraiser, auctioneer, auditor, or ombudsman):** Complete the [Professional Persons Registration Form and User Agreement](#).
2. **Submission of Forms.** All registration forms shall be submitted by email using the option provided on the form, or faxed to (216) 615-4364, or mailed or delivered to:
Clerk's Office
ATTN: ECF Registration
United States Bankruptcy Court
Northern District of Ohio
Howard M. Metzenbaum U.S. Court House
201 Superior Avenue
Cleveland, Ohio 44114-1235
3. **Use of Registration.** A registered user shall not use his/her ECF registration to file pleadings or other documents on behalf of someone who is not a registered user. **A registered user's ECF eligibility may be restricted or revoked for violation of this provision.**
4. **Use of Password.** Any password issued for electronic filing shall be used only by the registered user to whom the password is assigned and authorized employees of that user. No registered user shall knowingly permit his/her password to be used by anyone who is not an employee of the user, and no person shall knowingly use the password of a registered user unless such person is so authorized. **A registered user's ECF eligibility may be restricted or revoked for violation of this provision.**

5. **Change of Password.** Immediately after receiving a court-assigned login and password, a user shall change the assigned password. For security purposes, subsequent changes in the user's password should be made at regular intervals. This can be done by accessing the menu option "Maintain Your ECF Account" under Utilities, and selecting "More user information." In the event that a registered user believes that the security of an existing password has been compromised, or if the user's password has been forgotten, the user shall provide immediate notice either by calling the IT Help Desk at 330-458-2434 or by sending an email to karen_pickenstein@ohnb.uscourts.gov.
6. **Registration and Change of Email Address and Contact Information.**
 - a. **Email Address:** Immediately after receiving a court-assigned login and password, a user shall register his/her email account. This can be done by accessing the menu option "Maintain Your ECF Account" under Utilities, and selecting "Email information." The same process is to be used for changing an email address. In addition, registered users who change their email address should notify the Court by sending an email message with the new email address to bill_kurtz@ohnb.uscourts.gov. The Court will deactivate the ECF account of any user who has not registered his or her email address as provided herein.
 - b. **Contact Information:** Users are required to maintain up-to-date information regarding their business address, email address, and phone number. This can be done by accessing the menu option "Maintain Your ECF Account" under Utilities, and revising the appropriate fields.
7. **Withdrawal.**

Once registered, a user may withdraw from participation in the System by providing the Clerk with written notice of such withdrawal. Additionally, the employer or former employer of a user who is a claims agent may submit a written notice to the Clerk withdrawing the claims agent from participation in the system. Upon receipt of written notice, the Clerk will immediately cancel the user's login and will delete the user from any applicable electronic service list. However, this does not authorize an attorney to withdraw as the attorney of record for his/her client.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. **Requirements.** All petitions, motions, memoranda of law, or other pleadings and documents to be filed with the Court in connection with a case assigned to the System shall be electronically filed on the System.
2. **Exceptions.** Exceptions to the electronic case filing requirements are set forth in [section III](#) of this Manual. Any attorney wishing to file a new petition or other document on paper, under circumstances that are not governed by one of the stated exceptions, shall initially file a motion for leave to file on paper. The motion may be filed either on paper or electronically. The petition or other document for which the attorney is requesting leave to file on paper may be submitted with the motion.
3. **Documents.** Except as otherwise provided, all documents that form part of a pleading, including pleading exhibits and attachments capable of electronic imaging and filing, and that are being filed at the same time and by the same party, must be electronically filed together under one docket number, *e.g.*, the motion and the supporting affidavit, with the exception of a memorandum of law. A memorandum of law shall be filed separately and shown as a related document to the motion.
4. **Official Form 1, Exhibit D.** When filing [Exhibit D to Official Form 1](#) (Voluntary Petition), the certificate from the credit counseling agency and any debt repayment plan should be filed as separate documents, and should not be attached to Exhibit D.
5. **Creditor Matrices.** The debtor shall upload a matrix including all creditors and parties in interest with the petition. It shall be the responsibility of the debtor, or debtor's counsel, to verify that all scheduled creditors and related parties are included within any electronic or paper matrix and also that the matrix format is compatible with automated equipment used by the Court. By uploading a matrix, the debtor or debtor's counsel certifies that the matrix is complete and accurate. The filing of amended schedules requires the uploading of an amended matrix with the names of the added creditors.
6. **Emergency Pleadings.** When emergency motions, complaints for temporary restraining orders, supporting pleadings and objections thereto are filed electronically, the filer must contact the judge's law clerk, secretary, or courtroom deputy, by phone simultaneously with the transmission, to advise one of them of the filing.

7. **Notice of Filing.** Whenever a pleading or other paper is filed electronically, a “Notice of Electronic Filing” will be automatically generated by the ECF system at the time of docketing, and will be sent by email to the party filing the pleading or other paper as well as to all other parties to the case who appear on the Electronic Mail Notice List in the ECF system.
8. **Access to Documents.** Each registered user is permitted to view documents filed in a case in which the user is a party without charge on a one-time basis.
9. **Incorrect Venue.** If a case is filed in the wrong office, either electronically or over the counter, the attorney will be required to file a motion and proposed order to transfer the case to the proper office.
10. **Closed Case.** In order to file a document in a closed case, it is first necessary to file a motion to reopen the case and pay the applicable [filing fee](#). Pleadings requiring further administration that are docketed to a closed case will not be processed without reopening the case. Users who inadvertently docket pleadings to a closed case are responsible for advising necessary parties of the errors.

B. Signatures

1. **Signature of Registered User.** Except as provided below, the signature of a registered user on a document filed electronically is indicated as s/name. All documents bearing the handwritten signature of the user, or the handwritten signature of any signer on whose behalf the user files such documents, shall be maintained by the user for a period of one year following the closing of the case. Filing a PDF document is required unless otherwise authorized, but accessing the ECF system and creating an entry on the docket in lieu of a PDF document filing, such as Trustee's Report of No Distribution, shall be deemed to be a document containing the signature of the attorney or other user whose login was utilized to access ECF.
2. **Signature of Debtor.**
 - a. Any document requiring the debtor's signature shall first be signed by the debtor, followed by the electronic submission of a copy of the document with the debtor's signature indicated as s/name.
 - b. Except as otherwise provided, whenever the initial document requiring the debtor's signature is electronically filed in a case, it must be followed by the filing with the Clerk of the signature declaration form ([Declaration re: Electronic Filing of Documents and](#)

[Statement of Social Security Number](#)). The purpose of the filing of the signature declaration form is to assure that the debtor's handwritten signature and Social Security number are on file with the Court. As such, this requirement applies only to the initial document filed in the case requiring the debtor's signature, which is ordinarily the petition. It does not apply to other documents filed with or after the initial document, such as the statement of financial affairs. It is expected that the mailing of the signature declaration form will occur on the same day the electronic filing is submitted to the Court. If the signed form is not received by the Clerk within seven days of the electronic filing, the case will automatically be scheduled for a show cause hearing as soon as practicable allowing for compliance with applicable noticing requirements.

3. **Signatures on Reaffirmation Agreements.** The debtor's handwritten signature is required on a reaffirmation agreement or a proposed reaffirmation agreement, even if the signature declaration form ([Declaration re: Electronic Filing of Documents and Statement of Social Security Number](#)) has been signed by the debtor and submitted to the Court. After the debtor's handwritten signature has been affixed to a reaffirmation agreement or a proposed reaffirmation agreement, the agreement shall be scanned and filed electronically.
4. **Signatures on Affidavits and Declarations.** All affidavits shall be scanned and filed electronically after they have been signed by the affiant and notary and affixed with a notarial seal. All declarations shall be scanned and filed electronically after they have been signed by the declarant.

C. Timeliness

1. **General Rule.** Filings are considered timely if received by the Court before midnight on the date set as a deadline, unless the Judge specifically requires an earlier filing, such as close of business. Due to variations in time zones, timeliness is established based on Eastern time zone where the Northern District of Ohio is located.
2. **Inoperable Equipment.** If the Court's electronic filing equipment is inoperable at or around the deadline for filing any paper, the movant should submit the filing as soon as practicable thereafter with the understanding that the late filing will be excused, unless an extension is prohibited by law. If the late filing is due to the movant's electronic filing equipment being inoperable, the movant should submit the filing as soon as practicable thereafter with the understanding that the Judge may be required to determine if circumstances justify an excused late filing. Alternatively, if either the Court's or the movant's electronic filing equipment is temporarily inoperable, the movant

may submit a paper filing in any of the Court's divisional offices.

D. Service

1. **General Rule.** ECF registered users:
 - a. waive the right to receive notice by first class mail, including notice pursuant to [Fed. R. Bankr. P. 2002\(a\)](#), and agree to receive notice electronically; and
 - b. waive the right to service by personal service or first class mail and agree to electronic service, except with regard to service of process of a summons and complaint in an adversary proceeding under [Fed. R. Bankr. P. 7004](#), service of a motion initiating a contested matter under [Fed. R. Bankr. P. 9014](#), and service of a subpoena under [Fed. R. Bankr. P. 9016](#).
2. **Notice of Electronic Filing.** Upon electronic filing of a document, the ECF system will generate a Notice of Electronic Filing, which will be automatically served electronically by the system on all parties who appear on the current Electronic Mail Notice List within that case. This notification will advise the parties of the filing of the document, but the parties will be required to access the ECF system to read the actual document that was filed.
3. **Non-Electronic Service.** Service on parties who do not appear on the current Electronic Mail Notice List within a case, service of any paper not capable of imaging, and service of any document set forth in [section III A](#) of this Manual must be made non-electronically. Proof of service may be made electronically.
4. **Trustees.** Trustees will be made aware of a new case filed electronically by email issued by the Court on an individual case basis.

E. Fees

1. **On-Line Payment of Fees.** All ECF transactions that require a payment shall be paid on-line through the pay.gov program on the same day that the transaction is docketed.
2. **Installment Fees.** Payment of [filing fees](#) in installments is permitted as provided by [Fed. R. Bankr. P. 1006\(b\)\(1\)](#).
3. **EPA Fee Schedule.** Except as otherwise provided, all registered users of the System shall be subject to the fees set forth in the [Electronic Public Access Fee Schedule](#), adopted by the Judicial Conference of the United States. Notwithstanding the above, attorneys of record and parties in a case receive

one free copy of all filed documents, if receipt is required by law or directed by the filer. Moreover, trustees are exempt from the fees for viewing documents while acting in their capacity as trustees.

F. Orders

1. **Submission.** Proposed orders shall be individually submitted according to the [order submission procedures](#) adopted by each Judge.

G. Docket Entries

1. **Submission.** Electronic submission of a pleading or other document constitutes an entry on the docket, and requires the filer to perform whatever procedures are necessary to accomplish the docket event utilizing a pre-approved index of acceptable events contained in the ECF system.
2. **Entry of Order or Judgment.** The Clerk shall enter all orders and judgments in the ECF system, which shall constitute docketing of the order or judgment for all purposes. The Clerk's notation in the appropriate docket of an order or judgment shall constitute the entry of the order or judgment.
3. **Erroneous Entry.** In the event of an incorrect docket entry or an entry on a wrong docket, the Clerk's Office may make a docket entry regarding the needed corrective action. This docket entry will be automatically emailed to the filer, and will require the filer to re-docket the entry correctly. The Clerk's Office may add the text "Entered on docket in error" to the erroneous entry as needed. An incorrect docket entry will remain on the docket, unless the Court orders deletion of the docket entry.

III. FILING DOCUMENTS ON PAPER

A. Paper Filings

The following documents shall be filed on paper and not electronically unless specifically authorized by the Court.

1. **Documents previously ordered sealed**
If a document previously ordered to be sealed is referenced within an electronic filing, the attorney shall submit a declaration identifying this status and indicating that the document cannot be disclosed or inspected without further order from the Court.
2. **Documents to be filed under seal**
A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed on paper. The order of the Court authorizing the filing of the document(s) under seal shall be entered electronically by the Court and shall indicate that the motion

to file documents under seal has been granted. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk's Office.

3. **The signature declaration form ([Declaration re: Electronic Filing of Documents and Statement of Social Security Number](#)), as set forth in [section II B 2](#) of this Manual**
4. **Documents incorporating signatures from non-registered users, unless otherwise provided**
5. **[Official Form 21](#), if filed to correct a Social Security number**
6. **[Procedural Form 132](#), Application for Search of Bankruptcy Records**
7. **All documents filed by *pro se* parties.**

B. Format of Documents

The filing of two-sided documents and pre-punched documents is prohibited.

C. Filing of Creditor Matrix

The debtor shall submit a matrix including all creditors and parties in interest with the petition. The matrix shall comply with the technical standards adopted by the Court. It shall be the responsibility of the debtor, or debtor's counsel, to verify that all scheduled creditors and related parties are included within any matrix and also that the matrix format is compatible with automated equipment used by the Court. By submitting a matrix, the debtor or debtor's counsel certifies that the matrix is complete and accurate. The filing of amended schedules requires the uploading of an amended matrix with the names of the added creditors.

D. Service of Paper Filings

Pleadings or other documents that are filed on paper rather than electronically shall be served in the manner provided for, and on those parties entitled to notice, in accordance with the [Federal Rules of Bankruptcy Procedure](#) and the [Local Bankruptcy Rules](#), except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Authorized Access with PACER Account

Any person or organization with a PACER account may access the ECF system via [Web PACER](#). Access to the system through Web PACER will allow retrieval, on a "read only" basis, of the docket sheet and documents that have not been sealed by the Court.

B. Public Access at the Court

The public will have electronic access to the electronic docket and documents that have not been sealed by the Court via “read only” public terminals at each of the Court’s divisional offices for viewing during regular business hours. Registered users are expected to utilize equipment maintained within their remote locations to access information in the system and may be requested to limit time on public terminals if it is deemed to be excessive.

C. Registered User Access at the Court

One public terminal is available at each divisional office for docketing and scanning. These public terminals may be used by registered users on a first-come, first-served basis. Users are not permitted to use disks at these terminals; they must bring in paper and scan the paper.

D. Purchase of Copies

Except as provided below, copies of any paper viewable on the public terminals, including certified copies, may be purchased at any of the Court’s divisional offices upon payment of the appropriate fees, in accordance with [28 U.S.C. § 1930](#).

1. **Transcripts.** Pursuant to [Judicial Conference policy](#), within 90 days following entry of a transcript on the docket, copies of the transcript may be purchased solely from the transcription firm.

E. Security of System

Each electronically-filed paper shall be assigned a special identification number which can be traced, if necessary, to detect post-filing alterations to the document.